

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY

DEPUTY

UNITED STATES OF AMERICA

-vs-

CAUSE NO. A-11-CR-140-SS

TONY GARCIA (8)

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ORDER

BE IT REMEMBERED on the 19<sup>th</sup> day of August 2011, the undersigned sentenced the defendant Tony Garcia to a term in the penitentiary of TWELVE (12) MONTHS. The United States Probation Office had determined a guideline range for Mr. Garcia from 18 to 24 months and, therefore, the sentence was a variance pursuant to 18 U.S.C. § 3553(a).

Tony Garcia is a 28-year-old man who was employed as a truck driver. He is the boyfriend of co-defendant Rosa Nelia Alaniz who was a principal in the alien smuggling and transporting conspiracy. A sentence of more than twelve months would have been an unwarranted sentence disparity between other defendants who for various reasons obtained sentences under their guidelines. In addition, Mr. Garcia has never had any criminal misconduct, and his conduct post-indictment has clearly established remorse and cooperation with the United States law enforcement officers. After reflection of the elements of 18 U.S.C. § 3553(a), the Court is of the opinion that a sentence of twelve months in the custody of the Bureau of Prisons is a reasonable sentence.

IT IS SO ORDERED.

SIGNED this the 19<sup>th</sup> day of August 2011.

  
UNITED STATES DISTRICT JUDGE